

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG ELECTRONICS U.S.A., INC., LG
ELECTRONICS, INC., and LG ELECTRONICS
MONTERREY MEXICO, S.A., DE, CV,

Plaintiffs,

v.

WHIRLPOOL CORP., WHIRLPOOL
PATENTS CO., WHIRLPOOL
MANUFACTURING CORP., and MAYTAG
CORP.,

Defendants.

C.A. No. 08-332 (GMS)
(Transferred from the District of New
Jersey – C.A. No. 08-1869-FSH)

**WHIRLPOOL'S REPLY TO LG'S RESPONSE TO
WHIRLPOOL'S UNOPPOSED PARTIAL MOTION TO DISMISS AND
UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO ANSWER**

Whirlpool Corp., Whirlpool Patents Co., Whirlpool Manufacturing Corp., and Maytag Corp. (collectively "Whirlpool"), respectfully submit this reply to LG Electronics USA, Inc., LG Electronics, Inc., and LG Electronics Monterrey Mexico, S.A., DE, CV's (collectively "LG") response to Whirlpool's Motion to Dismiss Counts Four and Five of Plaintiffs' Complaint and to Whirlpool's Motion for Extension of Time to Respond to Plaintiffs' Complaint.

In LG's response it stated that it does not oppose the dismissal of U.S. Patent Nos. 6,971,730 ("the '730 patent") and 7,240,980 ("the '980 patent") from the case, provided the dismissal was without prejudice to LG's rights to pursue, in separate proceedings, appropriate causes of actions and remedies associated with those patents. (*See* LG's Response, D.I. 32 at 3). LG also implicitly agreed to Whirlpool's motion for an extension of time to answer, by requesting in its conclusion that Whirlpool be required to answer within ten days following the court's entry of an order dismissing Counts Four and Five, the statutory requirement under Fed. R. Civ. P. 12(a)(4). (*See* LG's Response, D.I. 32 at 4). While Whirlpool disagrees with the extraneous comments of LG in its response, such comments are neither relevant to, nor merit discussion in connection with, the disposition of the

present motions.

As the parties are in agreement with respect to the present motions, Whirlpool respectfully requests Counts Four and Five of LG's declaratory judgment complaint be dismissed and Whirlpool be granted ten days within which to file a response to the remaining counts of LG's declaratory judgment complaint.

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Dated: June 25, 2008


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CERTIFICATE OF SERVICE

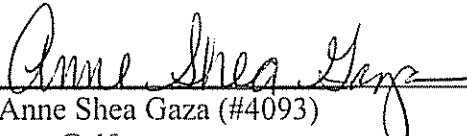
I hereby certify that on June 25, 2008, I electronically filed the foregoing document and the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following who have been served as noted:

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ORDER

The Court, having considered Defendants Whirlpool Corp., Whirlpool Patents Co., Whirlpool Manufacturing Corp., and Maytag Corp.'s motion to dismiss Counts Four and Five of Plaintiffs' Complaint and motion for an Extension of Time to Respond to Plaintiffs' Complaint Pursuant to Rule 12(a)(4) (collectively, the "Motions") and finding that the Motions are unopposed by Plaintiffs LG Electronics U.S.A., Inc., LG Electronics, Inc., and LG Electronics Monterrey Mexico, S.A., DE, CV,

IT IS HEREBY ORDERED this ____ day of June, 2008 that:

- (i) Defendants' Motions are GRANTED;
- (ii) Counts Four and Five of Plaintiffs' Complaint, and all claims therein, are DISMISSED; and
- (iii) Defendants have until such time as set forth in Fed. R. Civ. P. 12(a)(4) to answer the remaining counts in Plaintiffs' Complaint.

Chief Judge Gregory M. Sleet
United States District Judge